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Docket No.: 10020057-1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Brian D. Fiut et al.

Application No.: 10/087,046

Confirmation No.: 6491

Filed: February 28, 2002

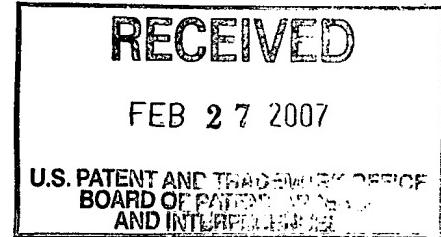
Art Unit: 2617

For: SYSTEM AND METHOD FOR REMOTE
MONITORING OF BASESTATIONS

Examiner: M. Thier

REPLY BRIEF

Attention: Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Dear Sir:

As required under 37 C.F.R. § 41.41(a)(1), this Reply Brief is filed within two months of the Examiner's Answer dated December 26, 2006, and is in furtherance of the Appeal Brief filed on September 28, 2006.

No fee is required for this REPLY BRIEF.

This brief contains items under the following headings pursuant to M.P.E.P. § 1208:

- I. Status of Claims
- II. Grounds of Rejection to be Reviewed on Appeal
- III. Argument
- IV. Conclusion

I. STATUS OF CLAIMS

The status of claims remains as identified in the Appeal Brief submitted September 28, 2006, wherein claims 1-27 are on appeal.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal remain the same as identified in the Appeal Brief submitted September 28, 2006.

III. ARGUMENT

Appellant respectfully traverses the outstanding rejections of the pending claims, and requests that the Board reverse the outstanding rejections in light of the remarks contained herein. As in the Appeal Brief of September 28, 2006, Appellant argues many of the rejected claims separately. Thus, Appellant respectfully asserts that separately argued claims do not stand or fall together, see 37 C.F.R. § 41.37(c)(1)(vii).

Appellant hereby reasserts those arguments that are presented for the separately argued claims in Appellant's Appeal Brief. For brevity, Appellant does not include those arguments herein, but instead submits the following supplemental remarks in reply to the Examiner's Answer.

A. Rejections Under 35 U.S.C. § 103(a)**1. Rejections over *Menon* in view of *Johnson*****Independent Claim 1 and Dependent Claims 2-3**

Independent claim 1 recites, in part, "communicating, in said uniform format, said measurement data for said at least one network link parameter, said measurement data for said at least one wireless link parameter, and said measurement data for said at least one operational parameter from said monitoring probe to a processor-based device arranged remote from said basestation." Neither *Menon* nor *Johnson* teaches or suggests at least this aspect of claim 1. Further, even if *Johnson* teaches formatting data in a uniform format (and as is explained below Appellant asserts that *Johnson* does not teach formatting as in claim 1),

one skilled in the art would not combine *Menon* and *Johnson* in a manner to provide communicating measurement data formatted in a uniform format because any such formatting of *Johnson* is performed only *after* the data has been communicated.

Neither *Menon* nor *Johnson* teaches communicating data in a uniform format from a monitoring probe to a processor-based device arranged remote from the basestation. The Final Office Action (*see* page 3 thereof) and the Examiner's Answer (*see* page 9 thereof) concedes that *Menon* does not teach formatting the measurement data in the uniform format. While the Final Office Action did not appear to rely upon *Johnson* as teaching or suggesting communicating the data "in said uniform format," the Examiner's Answer now asserts on pages 9-10 thereof that *Johnson* does so. Appellant respectfully disagrees for the reasons discussed more fully in the Appeal Brief of September 28, 2006.

In short, *Johnson* appears to disclose communicating data from Mobile Switching Center 101 in disparate formats and then formatting the data received in a uniform format once received and then processing the formatted data at the same receiving location. *See Johnson* at column 7, lines 31-34; column 6, lines 57-61 (explaining that after the interface 111 translates records into CCF format, the records are passed to the analysis section 112 and that the interface 111 and analysis section 113 are implemented as software components running within a single computer of system 107). Thus, *Johnson* teaches receiving call record data (not measurement data as recited in claim 1) from cellular network entities—Mobile Switching Center 101—and formatting and processing the data at a central system—subscriber termination prevention system 107, once received. *See Johnson* at Figure 2; column 6, lines 57-61; column 7, lines 16-18. *Menon* teaches transmitting measurement data from cellular network entities—base stations 30 or 101—and processing the measurement data at a central system—wireless access system 10 or 100. *See Menon* at page 15, paragraph 0228. Thus, if one skilled in the art were to consider the teachings of *Johnson* and *Menon*, one would be led to provide a system in which the formatting of measurement data was performed at a central system *after* the measurement data had been communicated from the base stations 30 or 101. Because such a system would not format the measurement data until *after* communicating the data, the consideration of *Menon* and *Johnson* fails to teach or suggest "communicating, in said uniform format, ... measurement data ... from said

monitoring probe to a processor-based device arranged remote from said basestation” as recited in claim 1.

The Examiner asserts in the Answer at pages 9-10 that *Johnson* teaches communicating measurement data in a uniform format because *Johnson* explains that “The records received from an MSC or from a roamer tape 109 are translated into a form subsequently used by the system 107 by the interface 111.” Thus, the Examiner concludes that the interface 111 translates the records from the MSC and roamer tape 109 into a CCF format, and are then “passed” (or communicated) to system 107. Appellant respectfully disagrees. As can be seen clearly in FIG. 2 of *Johnson*, interface 111 is the interface of system 107. Thus, the translation performed by interface 111 is performed after receipt of the measured data by system 107. Thus, *Johnson* does not teach or suggest communicating the measurement data in a uniform format, but instead teaches that interface 111 translates the data to a uniform format only after such data is communicated to the system 107. Further, claim 1 recites that the communication of the measurement data in the uniform format is “from said monitoring probe to a processor-based device arranged remote from said basestation”. Thus, even though the subscriber termination prevention system 107 of *Johnson* could conceivably communicate the translated data to another system, it fails to teach or suggest communicating from a monitoring probe to a processor-based device arranged remote from a basestation as recited by claim 1.

Additionally, independent claim 1 recites, in part, “formatting said measurement data for said at least one network link parameter, said measurement data for said at least one wireless link parameter, and said measurement data for said at least one operational parameter into a uniform format.” Neither *Menon* nor *Johnson* teaches or suggests at least this aspect of claim 1. The Final Office Action correctly states that *Menon* “doest not clearly teach” this limitation of claim 1. See Final Office Action at page 3. The Final Office Action also correctly states that *Johnson* teaches “formatting data from a variety of formats into a uniform format (e.g. converting from CDR, CIBER and other formats to CCF format”) See *id.* However, as discussed further in the Appeal Brief of September 28, 2006, while *Johnson* appears to disclose converting call records stored in various formats to a single format, *Johnson* does not teach or suggest formatting measurement data for at least one network link parameter, measurement data for at least one wireless link parameter, and

measurement data for said at least one operational parameter into a uniform formats as recited in claim 1. More specifically, *Johnson* appears to merely disclose converting one type of data – wireless call records – stored in various formats into a single format. The Final Office Action asserts that *Johnson* teaches “formatting data from a variety of formats into a uniform format (e.g. converting from CDR, CIBER and other formats to CCF format” See Final Office Action at page 3. Thus, *Johnson* appears to disclose converting a single type of data – call records – stored in various formats to a single format, but in no way teaches or suggests formatting disparate types of records (i.e., measurement data for said at least one network link parameter, measurement data for said at least one wireless link parameter, and measurement data for at least one operational parameter as recited in claim 1) into a uniform format. See *Johnson*, column 7 line 1 – column 8 line 24. In contrast, claim 1 recites formatting measurements from three different *types* of information – measurement data for at least one network link parameter, measurement data for at least one wireless link parameter, and measurement data for at least one operational parameter – into a uniform format. The formatting of data from CDR, and CIBER to CCF in *Johnson* does not teach or suggest formatting measurement data of the 3 types recited in claim 1 into a uniform format.

In view of the above, the combination of *Menon* and *Johnson* does not teach or suggest all the elements of claim 1, and thus claim 1 is not unpatentable under 35 U.S.C. § 103 over *Menon* in view of *Johnson*. Therefore, Appellant respectfully requests that this rejection of claim 1 be overturned.

Claims 2-3 each depend either directly or indirectly from independent claim 1, and are thus likewise believed to be allowable at least based on their dependency from claim 1 for the reasons discussed above. Accordingly, Appellant respectfully requests that the rejection of claims 2-3 also be overturned.

Independent Claim 12 and Dependent Claims 13 and 18

Independent claim 12 recites, in part: “a monitoring probe arranged local to a basestation, said monitoring probe operable to acquire measurement data for at least one network link parameter of said basestation, at least one wireless link parameter of said basestation, and at least one operational parameter of said basestation and format the acquired measurement data into a uniform format.” Neither *Menon* nor *Johnson* teaches or suggests at

least this aspect of claim 12 for the reasons discussed more fully in the Appeal Brief of September 28, 2006. More specifically, the Final Office Action correctly states that *Menon* “doest not clearly teach” any hardware operable to format the message data. *See* Final Office Action at page 3. Further, *Johnson* does not teach or suggest “a monitoring probe arranged local to a base station operable to … format the acquired measurement data into a uniform format” because *Johnson* only teaches formatting at a centralized processing location, not at a monitoring probe, and *Johnson* does not teach formatting different *types* of data into a common format as recited in claim 12, as discussed above with claim 1.

In view of the above, the combination of *Menon* and *Johnson* does not teach or suggest all the elements of claim 12, and thus claim 12 is not unpatentable under 35 U.S.C. § 103 over *Menon* in view of *Johnson*. Therefore, Appellants respectfully requests that this rejection of claim 12 be overturned.

Claims 13 and 18 each depend either directly or indirectly from independent claim 12, and are thus likewise believed to be allowable at least based on their dependency from claim 12 for the reasons discussed above. Accordingly, Appellant respectfully requests that the rejections of claims 13 and 18 also be overturned.

Independent Claim 21 and Dependent Claim 22

Independent Claim 21 recites, in part:

A basestation monitoring probe comprising:

...
a controller for formatting the measurement data acquired for said at least one network link parameter, said at least one wireless link parameter, and said at least one operational parameter into a uniform format; and
an interface to a communication network for communicating, in said uniform format, at least a portion of the acquired measurement data to a remote processor-based system.

As discussed above with regard to claims 1 and 12, neither *Menon* nor *Johnson* teaches or suggests at least these aspects of claim 21, as discussed in the Appeal Brief of September 28, 2006.

In view of the above, the combination of *Menon* and *Johnson* does not teach or suggest all the elements of claim 21, and thus claim 21 is not unpatentable under 35 U.S.C. § 103 over *Menon* in view of *Johnson*. Therefore, Appellants respectfully requests that this rejection of claim 21 be overturned.

Claim 22 depends directly from independent claim 21, and is thus likewise believed to be allowable at least based on its dependency from claim 1 for the reasons discussed above. Accordingly, Appellant respectfully requests that the rejection of claim 22 also be overturned.

2. Rejections over *Menon* in view of *Johnson* in further view of *Breed*
Dependent Claims 5-7 and 9

Claims 5-7 and 9 each depend either directly or indirectly from independent claim 1. As discussed above, neither *Menon* nor *Johnson* teaches or suggests at least “communicating, in said uniform format, said measurement data for said at least one network link parameter, said measurement data for said at least one wireless link parameter, and said measurement data for said at least one operational parameter from said monitoring probe to a processor-based device arranged remote from said basestation” or “formatting said measurement data for said at least one network link parameter, said measurement data for said at least one wireless link parameter, and said measurement data for said at least one operational parameter into a uniform format.” The Final Office Action has not relied on *Breed* to teach or suggest these limitations, nor does *Breed* do so. Thus, claims 5-7 and 9 are believed to be allowable at least based on their dependency from claim 1 for the reasons discussed above.

Also, as discussed in the Appeal Brief of September 28, 2006, the Final Office Action has not provided sufficient motivation to combine *Breed* with *Menon* and *Johnson*, nor does any such motivation exist. Accordingly, Appellant respectfully requests that the rejections of claims 5-7 and 9 also be overturned.

Dependent Claim 19

Claim 19 depends directly from independent claim 12. As discussed above, neither *Menon* nor *Johnson* teaches or suggests at least “a monitoring probe arranged local to a basestation, said monitoring probe operable to acquire measurement data for at least one

network link parameter of said basestation, at least one wireless link parameter of said basestation, and at least one operational parameter of said basestation and format the acquired measurement data into a uniform format.” The Final Office Action has not relied on *Breed* to teach or suggest these limitations, nor does *Breed* do so. Thus, claim 19 is believed to be allowable at least based on its dependency from claim 12 for the reasons discussed above.

Additionally, as discussed above with regards to dependent claims 5-7 and 9, sufficient motivation is not provided for combining *Breed* with *Menon* and *Johnson*. Accordingly, Appellant respectfully requests that the rejection of claim 19 also be overturned.

3. Rejections over *Menon* in view of *Johnson* in further view of *Mallandt*
Dependent Claim 8

Claim 8 depends directly from independent claim 1. As discussed above, neither *Menon* nor *Johnson* teaches or suggests at least “communicating, in said uniform format, said measurement data for said at least one network link parameter, said measurement data for said at least one wireless link parameter, and said measurement data for said at least one operational parameter from said monitoring probe to a processor-based device arranged remote from said basestation” or “formatting said measurement data for said at least one network link parameter, said measurement data for said at least one wireless link parameter, and said measurement data for said at least one operational parameter into a uniform format.” The Final Office Action has not relied on *Mallandt* to teach or suggest these limitations, nor does *Mallandt* do so. Thus, claim 8 is believed to be allowable at least based on its dependency from claim 1 for the reasons discussed above. Accordingly, Appellant respectfully requests that the rejection of claim 8 also be overturned.

Dependent Claim 20

Claim 20 depends directly from independent claim 12. As discussed above, neither *Menon* nor *Johnson* teaches or suggests at least “a monitoring probe arranged local to a basestation, said monitoring probe operable to acquire measurement data for at least one network link parameter of said basestation, at least one wireless link parameter of said basestation, and at least one operational parameter of said basestation and format the acquired

measurement data into a uniform format.” The Final Office Action has not relied on *Mallandt* to teach or suggest these limitations, nor does *Mallandt* do so. Thus, claim 20 is believed to be allowable at least based on its dependency from claim 12 for the reasons discussed above. Accordingly, Appellant respectfully requests that the rejection of claim 20 also be overturned.

4. Rejections over *Menon* in view of *Johnson* in further view of *Barshefsky*

Dependent Claims 10-11

Claims 10-11 each depend either directly or indirectly from independent claim 1. As discussed above, neither *Menon* nor *Johnson* teaches or suggests at least “communicating, in said uniform format, said measurement data for said at least one network link parameter, said measurement data for said at least one wireless link parameter, and said measurement data for said at least one operational parameter from said monitoring probe to a processor-based device arranged remote from said basestation” or “formatting said measurement data for said at least one network link parameter, said measurement data for said at least one wireless link parameter, and said measurement data for said at least one operational parameter into a uniform format.” The Final Office Action has not relied on *Barshefsky* to teach or suggest these limitations, nor does *Barshefsky* do so. Thus, claims 10-11 are believed to be allowable at least based on their dependency from claim 1 for the reasons discussed above. Accordingly, Appellant respectfully requests that the rejections of claims 10-11 also be overturned.

Dependent Claims 16-17

Claims 16-17 each depend either directly or indirectly from independent claim 12. As discussed above, neither *Menon* nor *Johnson* teaches or suggests at least “a monitoring probe arranged local to a basestation, said monitoring probe operable to acquire measurement data for at least one network link parameter of said basestation, at least one wireless link parameter of said basestation, and at least one operational parameter of said basestation and format the acquired measurement data into a uniform format.” The Final Office Action has not relied on *Barshefsky* to teach or suggest these limitations, nor does *Barshefsky* do so.

Thus, claims 16-17 are believed to be allowable at least based on their dependency from claim 12 for the reasons discussed above. Accordingly, Appellants respectfully requests that the rejections of claims 16-17 also be overturned.

5. Rejections over *Menon* in view of *Johnson* in further view of *Wiczer*

Dependent Claims 14-15

Claims 16-17 each depend either directly or indirectly from independent claim 12. As discussed above, neither *Menon* nor *Johnson* teaches or suggests at least “a monitoring probe arranged local to a basestation, said monitoring probe operable to acquire measurement data for at least one network link parameter of said basestation, at least one wireless link parameter of said basestation, and at least one operational parameter of said basestation and format the acquired measurement data into a uniform format.” The Final Office Action has not relied on *Wiczer* to teach or suggest these limitations, nor does *Wiczer* do so. Thus, claims 16-17 are believed to be allowable at least based on their dependency from claim 12 for the reasons discussed above. Accordingly, Appellant respectfully requests that the rejection of claims 16-17 also be overturned.

Dependent Claims 23-24

Claims 23-24 each depend either directly or indirectly from independent claim 21. As discussed above, neither *Menon* nor *Johnson* teaches or suggests at least:

A basestation monitoring probe comprising:

...

a controller for formatting the measurement data acquired for said at least one network link parameter, said at least one wireless link parameter, and said at least one operational parameter into a uniform format; and
an interface to a communication network for communicating, in said uniform format, at least a portion of the acquired measurement data to a remote processor-based system.

The Office Action has not relied on *Wiczer* to teach or suggest these limitations, nor does *Wiczer* do so. Thus, claims 23-24 are believed to be allowable at least based on their dependency from claim 21 for the reasons discussed above. Accordingly, Appellant respectfully requests that the rejections of claims 23-24 also be overturned.

6. Rejections over *Menon* in view of *Johnson* in further view of *Anvekar*
Dependent Claims 25-27

Claims 25-27 each depend either directly or indirectly from independent claim 21. As discussed above, neither *Menon* nor *Johnson* teaches or suggests at least:

A basestation monitoring probe comprising:

...
a controller for formatting the measurement data acquired for said at least one network link parameter, said at least one wireless link parameter, and said at least one operational parameter into a uniform format; and
an interface to a communication network for communicating, in said uniform format, at least a portion of the acquired measurement data to a remote processor-based system.

The Final Office Action has not relied on *Anvekar* to teach or suggest these limitations, nor does *Anvekar* do so. Thus, claims 25-27 are believed to be allowable at least based on their dependency from claim 21 for the reasons discussed above. Accordingly, Appellant respectfully requests that the rejection of claims 25-27 also be overturned.

IV. Conclusion

Appellant respectfully requests that the Board overturn the rejections of pending claims 1-27 for the above reasons.

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Date of Deposit: February 26, 2007

Typed Name: Susan Bloomfield

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Respectfully submitted,

By: 

Thomas J. Meaney
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Date: February 26, 2007
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Brian D. Fiut, et al.

Serial No.: 10/087,046

Examiner: M. Thier

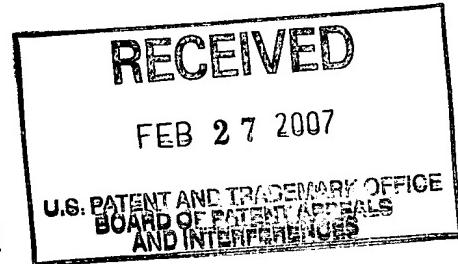
Filing Date: February 28, 2002

Group Art Unit: 2617

Title: SYSTEM AND METHOD FOR REMOTE MONITORING OF BASESTATIONS

COMMISSIONER FOR PATENTS
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Alexandria VA 22313-1450

TRANSMITTAL OF REPLY BRIEF



Sir:

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on December 26, 2006. This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 50-1078.

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Respectfully submitted,

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Brian D. Fiut, et al.
By 

Date of Deposit: 02-26-2007

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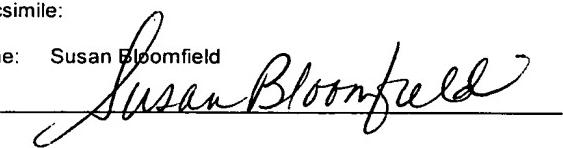
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